

REMARKS

Reconsideration of the application as amended is respectfully requested. An RCE accompanies this amendment.

Claims 20 and 26 have been canceled without prejudice. Claims 19, 21, 22, 25, 27 have been amended. No new claims have been added.

Applicant reserves all rights with respect to the applicability of the doctrine of equivalence.

35 U.S.C. § 102(e) Rejections

Claims 19, 21-25, and 27-35 stand rejected 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,108,697 (hereinafter "Raymond"). Applicant respectfully submits that Raymond does not teach or suggest each and every limitation in claims 19, 21-25, and 27-35.

Raymond discloses transmitting identical software packages to a number of downloading computers. A transmitter receives a request from a downloading computer for the software package (Raymond, Col. 9, lines 7-10). The request may be by "UNIX-style signals, remote procedure calls, remote message interfaces, events, and other familiar mechanisms may be used to request or require that the agent initiate transmission" (Raymond, Col. 9, lines 10-12). Furthermore, the downloading of the package may be started automatically by an agent on the downloading computer in response to a request from the transmitting computer (Raymond, Col. 10, lines 56-59).

Independent claim 19, as amended, requires “boot logic to respond to a boot signal by broadcasting the request to restore the server payload”. Furthermore, independent claim 25, as amended, requires “responding to a boot signal by broadcasting the request to restore the server payload.” As is well known in the art, to boot is “to start (a computer) by loading the operating system” (Random House Webster’s College Dictionary, 2nd Edition, 1997). The Examiner cites a section of Raymond as disclosing the claimed elements. In particular, the Examiner equates Raymond’s agent with Applicant’s boot logic and Raymond’s response to an agent with Applicant’s boot signal. However, Raymond’s agent merely starts the downloading of a software package (Raymond, Col. 10, lines 56-59). Furthermore, Raymond’s response is a response to a request from a transmitting computer to initiate a download. (Raymond, Col. 10, lines 56-59). However, there is no section in Raymond that teaches or suggests that the agent is involved in the boot process of the downloading computer and that the response is a signal “to start (a computer)” (Random House Webster’s College Dictionary, 2nd Edition, 1997). Therefore, Raymond does not teach or suggest the claimed element of “boot logic to respond to a boot signal by broadcasting the request to restore the server payload” and “responding to a boot signal by broadcasting the request to restore the server payload” as claimed in claims 19 and 25, respectively, and claims 21-24 and 27-35 that depend from them.

Accordingly, Applicant respectfully submits that claims 19, 21-25, and 27-35 are not anticipated by Raymond under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Eric Replogle at (408) 720-8300 x258.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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